IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25201 of 2004

Between:

T.Lakshmi Reddy S/o Guruva Reddy
R/o Lakkavaram Village, Tallur Mandal, Prakasam District.

..... PETITIONER

AND

1 The Executive Engineer(PR) (P) Divison, Podili Village &Mandal, Prakasam District.
2 Deputy Executive Engineer P.R.RWS Sub-Division, Darsi, Prakasam District.
3 The Mandal Parishad Development Officer, Tallur Village and Mandal, Prakasam District.
4 M.Ramanaiah S/o Kotaiah
Lakkavaram Village, Tallur Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or order or direction more in the nature of Writ of Mandamus, declaring action of the respondents in issuing the impugned proceedings Rc.No.TO/1495/ASC/2004. dt. 13/12/2004 entrusting the work providing 'deep bore well scheme' at Lakkavaram village with estimate cost of Rs. 6.30 lakhs on nomination basis with out holding the general body meeting of the Gram Panchayat and with out passing the resolution is arbitrary, illegal and consequently direct the respondents to entrust the work providing deep bore well scheme at Lakkavaram village with estimate cost of Rs. 6.30 lakhs on nomination basis after passing the resolution by the Members of the Gram Panchayat in the interest of Justice.

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR Pan.Raj. & RURAL DEV.

Counsel for the Respondent No. 4: None.

The Court at the stage of admission made the following :

HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25201 OF 2004

ORDER:

Heard both sides and with their consent, the writ petition itself is disposed of at the admission stage.

The facts in brief are that the petitioner herein is the Vice-President of Lakkavaram Grampanchayat. That the second respondent-Deputy Executive Engineer sanctioned a Deep Bore Well Scheme to Lakkavaram village with an estimated cost of Rs.6.30 lakhs and the said work has to be entrusted to the Village Works Committee. That the third respondent issued a notice fixing a date for holding the gram panchayat meeting on 14.10.2004 for passing the resolution in respect of allotment of Deep Bore Well Scheme works, but the said meeting was not held. However, the fourth respondent, i.e.,the Sarpanch of Lakkavaram Grampanchayat fabricated a resolution dated 20.9.2004 entrusting the work to himself without the consent of the members and that the third respondent-Mandal Parishad Development Officer, without holding the meeting, attested the said resolution on 3.11.2004. It is the further case of the petitioner that on recommendation from the Second respondent-Deputy Executive Engineer, the first respondent-Executive Engineer issued the impugned proceedings allotting the work of Deep Bore Well in favour of the fourth respondent on nomination basis.

The grievance of the petitioner is that the impugned proceedings entrusting the work of Deep Bore Well Scheme to the fourth respondent, without holding the General Body Meeting of the Grampanchayat and without any resolution, is arbitrary and illegal.

Entrustment of any Gram panchayat works without holding General Body Meeting and without passing any resolution in respect thereto is a matter within the purview of Gram Panchayat and the same cannot be adjudicated in a proceedings initiated

under Article 226 of the Constitution of India. In that view of the matter, I see no merits in the writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

31.12.2004.

mdaa.

Copy to:

1 The Executive Engineer(PR) (P) Divison, Podili Village &Mandal,
Prakasam District.
2 Deputy Executive Engineer P.R.RWS Sub-Division, Darsi,
Prakasam District.
3 The Mandal Parishad Development Officer, Tallur Village and
Mandal, Prakasam District.
4. Two C.Cs to G.P.for Panchayat Raj and Rural Development, High Court of A.P.,
Hyderabab (OUT)

5. Two C.D.copies.